

SENATE THIRD READING

SB 470 (Laird)

As Amended April 10, 2025

Majority vote

SUMMARY

This bill extends, for another four years, until January 1, 2030, alternative teleconference rules under the Bagley-Keene Open Meeting Act (Bagley-Keene or Act), as specified.

Major Provisions

- 1) Extends the January 1, 2026, repeal date on the authorization of an alternative set of provisions under which a state body may hold a meeting by teleconference until January 1, 2030. Specifically, a state body may hold a meeting by teleconference where a majority of the members of the state body are physically present at the same teleconference location, but the remaining members may join the meeting from a remote location not accessible to the public following certain requirements, as defined. The notice and agenda shall not disclose information regarding a remote location. The bill authorizes a member's remote participation, if the member has a need related to a disability and notifies the state body, as specified. All votes taken during the teleconferenced meeting shall be by rollcall. The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action. Members of the state body visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, except as specified.
- 2) The portion of the teleconferenced meeting that is required to be open to the public shall be visible and audible to the public at each teleconference location. Provides upon discovering that a means of remote public access and participation required has failed during a meeting and cannot be restored, the state body shall end or adjourn the meeting, as defined. This bill does not prohibit a state body from providing members of the public with additional locations from which the public may observe or address the state body by electronic means, through either audio or both audio and video. Members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments before the meeting or in writing.
- 3) Contains the following definitions:
 - a) "Teleconference" to mean a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video.
 - b) "Teleconference location" to mean a physical location that is accessible to the public and from which members of the public may participate in the meeting.
 - c) "Remote location" to mean a location from which a member of a state body participates in a meeting other than a teleconference location.
 - d) "Participate remotely" to mean participation by a member of the body in a meeting at a remote location other than a teleconference location designated in the notice of the meeting.

- 4) Extends the January 1, 2026, repeal date on the authorization for a multimember state advisory body to hold an open meeting by teleconference pursuant to an alternative set of provisions until January 1, 2030. Specifically, an advisory board, advisory commission, advisory subcommittee, or similar advisory entity may hold a meeting by teleconference where all members of the advisory body may participate from a remote location not accessible to the public. However, the advisory body must designate a primary physical meeting location where a staff member of the body must be present during the meeting and members of the public may physically participate in the meeting, as specified. This bill does not limit or affect the ability of a state body to hold a teleconference meeting under another provision of the Act.
- 5) Restates current provisions of the Bagley-Keene when the above-described requirements sunset on January 1, 2030.
- 6) Includes related legislative findings and declarations.

COMMENTS

Background.

The Bagley-Keene Open Meeting Act of 1967. Bagley-Keene originated as a response to growing concerns about transparency and public involvement in the decision-making process of state agencies. Bagley-Keene aims to ensure that state boards, commissions, and agencies conduct their business openly and transparently, allowing the public to be informed and participate in the decision-making process.

The Act generally requires state bodies to conduct their meetings openly and make them accessible to the public. The law also requires state bodies to provide advance notice of their meetings and agendas and to allow public comments on matters under consideration. The Act includes certain exceptions, such as closed sessions for discussing personnel issues or pending litigation, to protect the privacy and legal interests of individuals and the state.

The Act applies to state bodies, including: every state board, or commission created by statute or required by law to conduct official meetings and every commission created by executive order; any board, commission, or committee exercising the authority of a state body delegated to it; an advisory board, advisory commission, advisory committee or subcommittee created by formal action of the state body; and any board, commission, or committee on which a member of a body that is a state body serves in his or her official capacity as a representative of the state body, as specified. The law does not apply to individual officials or the California State Legislature.

COVID-19 and Executive Order N-29-20. On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of what at the time was a novel and rapidly growing COVID-19 pandemic. Despite early efforts, the virus continued to spread. On March 17, 2020, Governor Newsom issued Executive Order (EO) N-29-20 citing the fact that strict compliance with various statutes and regulations on open meetings of state bodies would have prevented, hindered, or delayed appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic. The EO, among other things, required public meetings be accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. The last related EO was in effect through March 31, 2022.

Temporary Teleconferencing Extensions in 2022 and 2023. SB 189 (Committee on Budget and Fiscal Review), Chapter 48, Statutes of 2022, among other things, provided a temporary statutory extension for state bodies in California to hold public meetings through teleconferencing, such as phone or video calls, instead of in-person gatherings. The law suspended certain requirements that would typically apply to in-person meetings, such as having a physical location for the public to attend and providing access to all remote teleconference locations until July 1, 2023. State bodies were encouraged to exercise discretion when conducting teleconferenced meetings and to make a good-faith effort to adhere to the other provisions of the Act as closely as possible. These practices aimed to maintain transparency and public accessibility in remote meetings.

SB 544 (Laird), Chapter 216, Statutes of 2023 further granted, until January 1, 2026, state bodies an additional option to conduct meetings via teleconference provided that at each teleconference location at least one member of the state body is physically present. In specified circumstances, individual members may participate remotely without being in a public location, such as when a majority of members at a given teleconference site are physically present or if the member has a disability-related need. Public participation must be ensured: meetings must be visible and audible at each teleconference location, and the public must be able to attend remotely through equivalent audio or video access provided to members. State bodies must also provide accommodations for individuals with disabilities and prominently advertise those procedures. Members participating remotely must disclose if other adults are present at their location and appear on camera during open meetings unless there are technological barriers. Voting must be conducted by roll call, and all actions taken must be publicly reported. If remote public access fails during a meeting and cannot be restored, the meeting must be adjourned, and notice must be promptly provided online and via email to interested parties.

SB 544 of 2023 also authorized advisory state bodies (like advisory boards, advisory commissions, advisory committees, or advisory subcommittees) to hold meetings by teleconference, allowing members to participate remotely under specific conditions. Members participating remotely must be identified in the meeting minutes, and public notice must be given at least 24 hours in advance, though the remote location of participating members does not have to be disclosed. The notice and agenda must include a designated primary physical meeting location where the public can attend, observe, and participate, with at least one staff member present at that site. Public remote access must also be provided by phone or internet, with the access information included in the 24-hour notice. During meetings, members of advisory bodies must appear on camera unless doing so is technologically impracticable. In such cases, the reason must be publicly announced.

SB 544 of 2023 was intended to supplement—not replace—existing teleconferencing provisions. It preserves the 10-day public posting requirement for agendas under broader open meeting laws.

This bill would extend the January 1, 2026, repeal date on the above discussed teleconferencing authorizations in Bagley-Keene until January 1, 2030.

Report by Little Hoover Commission. In June 2021, The Little Hoover Commission issued a report #261 titled, "The Government of Tomorrow: Online Meetings." In its report, the Commission found that California can make its public meetings more accessible and inclusive by requiring that boards and commissions give the public remote access to every meeting. This

change would especially benefit those who traditionally face obstacles in interacting with state government, such as low-income people, rural Californians, or people with physical disabilities.

The report stated that, "Our survey of Bagley-Keene agencies affirms that such meetings offer substantial benefits to the public, including reduced travel costs, a broadening of potential board members and commissioners who are able to serve, and the ability to meet more often and in a timely way. The year of the pandemic has proven that state government can take advantage of modern technology to hold meetings that are more accessible, more affordable, and more efficient. Remote access to all public meetings unquestionably increases the public's ability to monitor state government. The practical ability of board and commission members to participate remotely from their homes or private offices allows for this important segment of state government to increase efficiency, inclusion and flexibility."

According to the Author

According to the author's office, "when the Bagley-Keene Act was adopted in 1967, no one envisioned the computer age. The Americans with Disabilities Act had not been adopted. The idea that citizens could participate in public meetings remotely was not common.

The COVID pandemic demonstrated the need to address those changes. The state conducted meetings remotely to continue the public process, and learned of the benefits and drawbacks of virtual participation."

Additionally, "SB 470 builds upon the successful implementation of SB 544 of 2023 by [extending] the January 1, 2026 sunset to enshrine public and disability access in state board and commission meetings, while preserving transparency in the decision-making process. The provisions provide that boards and commissions must have a quorum present in public at one location, require that remote public officials have their camera on, and require remote testimony options for public hearings."

Arguments in Support

AARP California writes that, "Limiting participation to those who can attend to in-person only (or to an approved physical location) poses a barrier to equitable participation in public debate and discussion for many older Californians, persons with disabilities, and Californians living in remote areas. AARP views this as an issue of both equity and access, and our policy supports removing unnecessary barriers to participation on boards and commissions for individuals representing under-served communities."

LeadingAge writes in support, "SB 470 is a necessary step in modernizing California's public meetings by extending the alternative teleconferencing provisions initially authorized under SB 544 (Laird, 2023). This bill ensures that advisory bodies can continue leveraging teleconferencing technology to promote inclusivity, enhance diversity among participants, and improve efficiency while maintaining full transparency and public access."

Arguments in Opposition

A coalition of opponents jointly write, "[t]he stated goal of being able to attract more people to serve in public office is no reason to remove accountability protections. These multi-member bodies, including those that are advisory, wield immense power, influencing policy and priorities in our state. The coalition seeks amendments to align the bill with AB 2449 (B. Rubio, Chapter 285, Statutes of 2022), which provided a more narrow framework for teleconferencing by local agencies subject to the Brown Act which tied use of teleconferencing to "specific hardships, such

as health issues or caregiving needs, subject to reasonable caps and other modest provisions that serve the public interest."

FISCAL COMMENTS

According to the Assembly Committee on Appropriations analysis, "Likely cost savings of an unknown amount across state bodies to be able to continue utilizing alternative teleconference rules (General Fund or special fund). The magnitude of cost savings depends on the number of meetings held through this alternative process each year and the variable composition of each meeting due to the choices of individual members. For example, cost savings from a ten-member board utilizing the alternative teleconference rules would stem from one to four of the members participating remotely in the meeting instead of incurring travel, equipment, and other related in-person meeting costs. However, to the extent any one of those four members would instead choose to be absent from the meeting if the alternative teleconference rules expired, cost savings from that particular meeting would be of a lesser amount."

VOTES

SENATE FLOOR: 28-5-7

YES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Cervantes, Cortese, Dahle, Durazo, Gonzalez, Grove, Laird, Limón, McGuire, McNerney, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NO: Alvarado-Gil, Jones, Niello, Seyarto, Strickland

ABS, ABST OR NV: Caballero, Choi, Grayson, Hurtado, Menjivar, Reyes, Valladares

ASM GOVERNMENTAL ORGANIZATION: 17-5-0

YES: Blanca Rubio, Davies, Alvarez, Berman, Bryan, Carrillo, Fong, Gabriel, Gipson, McKinnor, Nguyen, Pacheco, Ramos, Michelle Rodriguez, Solache, Soria, Valencia

NO: Dixon, Macedo, Sanchez, Ta, Wallis

ASM APPROPRIATIONS: 12-2-1

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Tangipa

NO: Dixon, Ta

ABS, ABST OR NV: Jeff Gonzalez

UPDATED

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